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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,996	05/23/2001	Stephen S. Burns	7227/79217	1863

7590 04/22/2004

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EXAMINER

VO, HUYEN X

ART UNIT PAPER NUMBER

2655

DATE MAILED: 04/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/863,996

**Applicant(s)**

BURNS ET AL.

**Examiner**

Huyen Vo

**Art Unit**

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5/23/2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5, 8-9, 11, 13-18, 21-23, 25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Bennett et al. (US Patent No. 6633846).

1. Regarding claim 1, Bennett et al. disclose a system for providing wireless voice activated data retrieval comprising:

a server (element 180 of figure 1);

a database (element 188 of figure 1);

an input/output device, operably connected to the server, comprising a user interface having a recording apparatus, capable of recording the voice of a user to a data stream, and a communication apparatus, capable of enabling the exchange of information with the server (col. 10, ln. 62 to col. 11, ln. 24 or referring to figure 2A);

the server being capable of receiving a transmitted data stream from the input/output device, processing the transmitted data stream, exchanging data information with a recognition search engine, and transmitting a second data stream of

matching recognized information to the database engine for a relational examination, then for user verification (figures 11A-C or referring to col. 24, ln. 48 to col. 25, ln. 67, relational analysis are being done in relational engine within the SQL server as mentioned in col. 19, ln. 11-67); and

a programming interface having a speech recognition search engine capable of generating the modified second data stream of recognized information such that the speech recognition engine converts the first data stream to an intermediate data element (col. 24, ln. 48-65, these steps are done by software programs) and then generates the second data stream by searching and comparing information in the intermediate data element to information in a selected searchable data element and then retrieving and storing the matching information (col. 25, ln. 1-47, retrieved candidates are processed and compared to finally result in a single best candidate).

2. Regarding claim 15, Bennett et al. disclose a method of wireless voice activated data retrieval, comprising the steps of:

providing a data input/output device with a user interface, the user interface including a voice recording apparatus, for detecting and recording the user's voice (SRE 201 of figure 2A) and a communication apparatus, for enabling communication with a server (elements 202 and 203 of figure 2A);

providing a server capable of exchanging information with the voice recognition providing data containing select information (element 203 of figure 2A or col. 25, ln. 62 to col. 26, ln. 3);

providing a programming interface having a recognition engine capable of converting the first data stream into textual data and matching the textual data to the data element containing the selected list of information (col. 24, ln. 48 to col. 25, ln. 47, the recognition and comparing process are done with software programs);

wherein, when a user speaks into the input/output device the user interface detects the voice and a first data stream is created and then communicated to the server (col. 10, ln. 41 to col. 11, ln. 10), the programming interface converts the first data stream into textual data and compares the textual data to the stored information in the selected information database, matching data from the two sources and creating a second data stream for storing matched data, the matched data being communicated to said input/output device for data retrieval (col. 25, ln. 1-67, these steps are done with software programs).

3. Regarding claim 21, Bennett et al. disclose a speech recognition device for providing wireless communication with a connected client-server comprising:

a speech-specific user interface for detecting the user's voice transmission, and displaying received data from a remotely connected server (col. 10, ln. 62 to col. 11, ln. 6, the display mode inherently includes a GUI), a recording apparatus for converting the voice transmission into a recorded data element (SRE of figures 2A-C), a communication apparatus for providing bi-directional wireless communication of the data stream with a server (figures 1-2).

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4. Regarding claims 2 and 27, Bennett et al. further disclose that the input/output device and voice recognition device is a wireless hand-held device (col. 10, ln. 41-46).

5. Regarding claims 3 and 17, Bennett et al. further disclose that the server is a speech-application-programming-interface compliant server (col. 26, ln. 1-67).

6. Regarding claim 5, Bennett et al. further disclose that the server is connected to a wireless network (col. 10, ln. 41-61).

7. Regarding claims 8, and 13, Bennett et al. further a database having related information, thereby enabling the server to compare information in the second data file or stream of matching information to information stored in the database to verify the accuracy of the matching information (col. 19, ln. 11-67).

8. Regarding claims 9, 11, 23, and 25, Bennett et al. further disclose that the server application further comprises a compression mechanism for compressing the first data stream, thereby enabling fast transmission of the data stream to the connected client-server and a decompression mechanism for decompressing received data stream (col. 16, ln. 55 to col. 17, ln. 9).

9. Regarding claim 14, Bennett et al. further disclose that the speech application-programming interface further comprises an application for learning speech dialects and

different pronunciations of audibly transmitted information (col. 27, ln. 20 to col. 28, ln. 3, grammars are dynamically loaded).

10. Regarding claim 16, Bennett et al. further disclose that the user interface is a graphical user interface having a viewable display for displaying the received matching data (col. 11, ln. 1-6).

11. Regarding claim 18, Bennett et al. further disclose that providing a database containing information such that the matching data element can be compared to the information to verify the accuracy of the matching data (col. 25, ln. 1-47).

12. Regarding claim 22, Bennett et al. further disclose that the user interface is a graphical user interface having a graphical interfacing application for enabling viewable display of textual returned data (col. 10, ln. 62 to col. 11, ln. 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4, 10, 12, 24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US Patent No. 6633846) in view of Kanevsky et al. (US Patent No. 5953700).

13. Regarding claim 4, Bennett et al. fail to disclose that the recognition search engine is an automatic speech recognition engine. However, Kanevsky et al. teach that the recognition search engine is an automatic speech recognition engine (col. 6, ln. 40-64). The advantage of using the teaching of Kanevsky et al. in Bennett et al. is to enable the system to recognize continuous speech to enhance system's effectiveness.

Since Bennett et al. and Kanevsky et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Kanevsky et al. in order to enable the system to recognize continuous speech to enhance system's effectiveness.

14. Regarding claims 10, 12, 24, and 26, Bennett et al. fail to disclose that the server application further comprises an encryption mechanism for encrypting the first data stream, thereby enabling to provide for private and secure stream transmission to the connected client-server and a decryption mechanism using for decrypting received data stream.

However, Kanevsky et al. teach that the server application further comprises an encryption mechanism for encrypting the first data stream, thereby enabling to provide



for private and secure stream transmission to the connected client-server and a decryption mechanism using for decrypting received data stream (col. 5, ln. 13-33). The advantage of using the teaching of Kanevsky et al. in Bennett et al. is to secure voice and data communications.

Since Bennett et al. and Kanevsky et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Kanevsky et al. in order to secure voice and data communications.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US Patent No. 6633846) in view of Kirk et al. (US Patent No. 5390238).

15. Regarding claim 6, Bennett et al. fail to disclose that the server has business logic enabling the user to write prescriptions electronically. However, Kirk et al. teach that the server has business logic enabling the user to write prescriptions electronically (col. 3, ln. 20-42 or refer to figures 1-2). The advantage of using the teaching of Kirk et al. in Bennett et al. is to reduce healthcare cost.

Since Bennett et al. and Kirk et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Kirk et al. in order to reduce healthcare cost.

Claims 7 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US Patent No. 6633846) in view of Brynjestad (US Patent No. 5908383).

16. Regarding claims 7 and 19, Bennett et al. further that the selected searchable data information thereby enabling the automated recognition engine to compare the textual data stream to the information and generate a matching data stream (col. 25, ln. 1-47). Bennett et al. fail to specifically disclose that information includes stored prescription-related information. However, Brynjestad teaches a database containing related prescription information (26 of figure 1). The advantage of using the teaching of Brynjestad in Bennett et al. is to improve search accuracy and provide users with the most related information.

Since Bennett et al. and Brynjestad are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Brynjestad in order to improve search accuracy and provide users with the most related information.

17. Regarding claim 20, Bennett et al. fail to disclose that the select information comprises a list of prescription related terms such that the matching data contains prescription related data. However, Brynjestad teaches a database containing prescription-related information (26 of figure 1). The benefit of incorporating the

teaching of Brynjestad in Bennett et al. is to provide pain management tools to primary care physicians that provides feedback about patient compliance (col. 1, ln. 51-55).

Since Bennett et al. and Brynjestad are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Brynjestad in order to provide pain management tools to primary care physicians that provides feedback about patient compliance (col. 1, ln. 51-55).

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett et al. (US Patent No. 6633846) in view of Cidon et al. (US Patent No. 6269330).

18. Regarding claim 28, Bennett et al. further disclose an indicating application capable of indicating the end of a voice transmission recording (col. 26, ln. 49-64), but fail to disclose an indicating application capable of indicating the beginning of a voice transmission recording. However, Cidon et al. teaches an indicating application capable of indicating the beginning of a voice transmission recording (col. 14, ln. 6-8). The advantage of using the teaching of Cidon et al. in Bennett et al. is to improve processing accuracy of input command to enhance system's reliabilities.

Since Bennett et al. and Cidon et al. are analogous art because they are from the same field of endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Bennett et al. by incorporating the teaching of Cidon et

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al. in order to improve processing accuracy of input command to enhance system's reliabilities.

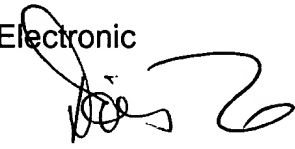
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barclay et al. (US Patent No. 5960399) disclose a retrieval system, Perrone (US Patent No. 6157705) discloses voice control of a server, and Hedin et al. (US Patent No. 6185535) disclose voice control of a user interface to service applications, are considered pertinent to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Vo whose telephone number is 703-305-8665. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on 703-305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**

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Examiner Huyen X Vo

April 8, 2004

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